

REMARKS

In response to the Final Office Action mailed September 21, 2009, the Assignee respectfully requests reconsideration. To further prosecution of this application, each of the rejections set forth in the Office Action has been carefully considered and is addressed below. The application as presented is believed to be in condition for allowance.

I. Rejections Under 35 U.S.C. §112, ¶1

The Office Action rejects claims 1, 3, 9-11, 13, 19, and 20 (including independent claims 1 and 11) under 35 U.S.C. §112, ¶1 for allegedly failing to comply with the written description requirement. Specifically, the Office Action asserts that “the person’s familiarity with prior dictations” as recited in claims 1 and 11 and “monitoring the selected person during transcription of the recorded dictation to obtain updated efficiency information” as recited in claims 6 and 16 are allegedly not supported by the specification as originally filed. Although the Assignee does not agree that the rejections are proper, each of independent claims 1 and 11 has been amended to recite, “...the person’s experience transcribing prior dictations by the author.”

Paragraph [0007] of the specification recites:

As already indicated above, different persons have quite different aptitudes for different types of jobs, for instance, **one person may have already processed dictation files or text from a particular author on many occasions and thereby become accustomed to his dictation individualities**, or a person undertaking the processing has some familiarity with certain specialist fields of the texts, such as surgery, internal medicine etc., and has gained a basic knowledge in these specialist areas. The present invention is based on the exploitation of these specific aptitudes so that improved services can be offered when complying with processing requests or jobs (emphasis added).

As should be appreciated from the foregoing, a person’s experience transcribing prior dictations by a particular author of a transcription may be taken into account when creating a list of suitable persons for performing the transcription. For at least this reason, the Assignee believes that the limitation, “...the person’s experience transcribing prior dictations by the author...” recited in each of amended independent claims 1 and 11 is supported by the specification as originally filed.

Furthermore, paragraph [0034] of the specification recites, *inter alia*,

... the recording of processing operations involved in the processing of text information as regards e.g. their duration may comprise **both the monitoring of the actuation of inputting means ... and the monitoring of corresponding control signals either in the word processing means 20 directly and/or the monitoring of switching fields on the screen 22** ... Control commands for the reproduction means 21, such as fast-forwarding, rewinding, slow-play or fast-play of dictations, may also be recorded in terms of the nature and duration of these operations.

Paragraph [0036] of the specification states that such monitoring may be used to obtain efficiency information.

... From this efficiency information, such as time information for fast forward dictation, rewind dictation, listen (slowly) to dictation, search for text characters, overwrite characters, delete characters, insert characters etc., means 14 determines a personal efficiency parameter ...

For this reason, at least paragraphs [0034] and [0036] provide support for the limitation, “monitoring the selected person during transcription of the recorded dictation to obtain updated efficiency information” as recited in claims 6 and 16 and it is respectfully requested that the rejection under 35 U.S.C. §112, ¶1 be withdrawn.

II. Rejections Under 35 U.S.C. §103

The Office Action rejects claims 1, 4, 5, 7-11, and 18-20 (including independent claims 1 and 11) under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent 7,031,998 (“Archbold”) in view of U.S. Publication No. 2001/0018698 (“Uchino”) in further view of U.S. Publication No. 2002/0046074 (“Barton”). The Assignee respectfully traverses each of these rejections.

A. The Combination of Archbold, Barton, and Uchino is Improper

The Assignee does not agree with the assertions in the Office Action that one of ordinary skill in the art would have been motivated to combine the teachings of a system for routing

Reply to Final Office Action mailed September 21, 2009

transcription jobs (Archbold) with the teachings for organizing an online forum or message board (Uchino) and the teachings of a career management system to facilitate searching for candidates to fill a job description (Barton).

The Office Action concedes that Archbold fails to disclose, “the transcription job classification being based, at least in part, on an author of the recorded dictation,” as recited in claim 1, but asserts that Uchino discloses this limitation and that “it would have been obvious to one of ordinary skill in the art at the time of the invention to include the feature as taught by Uchino in the system of Archbold, since the invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable (Office Action, pages 4-5). It is entirely unclear from the Office Action which “feature” of Uchino the Examiner believes would have been included in the system of Archbold. The cited portion of Uchino is directed to an “author view” display format for messages displayed on a message board in which the messages are sorted and displayed based on the author of the message (Uchino, [0119]). The Office Action appears to assert that incorporating the author view display format of Uchino into the system for transcription job routing of Archbold would have resulted in the system of Archbold being able to classify job transcriptions based, at least in part, on an author of a recorded dictation. However, even if one of ordinary skill in the art would have been led to combine the teachings of Archbold and Uchino, which the Assignee does not concede, if each element merely performed the same function as it did separately, the purported combination would result in a transcription job routing system (Archbold) capable of sorting and displaying messages on a message board based on the author of the message (Uchino). There is simply no disclosure or suggestion in Uchino, nor would it have been obvious to one of ordinary skill in the art to combine the author sorting and displaying process disclosed at paragraph [0119] of Uchino with the transcription job routing system of Archbold because the process of Uchnio is completely unrelated to classification of transcription jobs.

The Office Action also asserts that “it would have been obvious to one of ordinary skill in the art at the time of the invention to include the features as taught by Barton in the system of Archbold, since the invention is merely a combination of old elements, and in the combination, each

Reply to Final Office Action mailed September 21, 2009

element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable (Office Action, pages 5-6). It is unclear from the Office Action which “features” of Barton the Examiner believes would have been incorporated into the purported system of Archbold and Uchino. The cited portions of Barton are directed to a searchable employment candidate database (Barton, [0189], [0222]). Each candidate’s experience for a job title or job function is calculated based on information in the candidate’s record in the candidate database and this information is useful in helping potential employers search for employment candidates with a desired level of experience (Barton, [0192]-[0195]). One of ordinary skill in the art at the time of the invention would not have incorporated the experience level calculation process of Barton into the purported system of Archbold and Uchino because Barton is not concerned with transcriptions or criteria used for selecting people to perform a transcription. Rather, Barton is directed to creating an employment candidate database that is easier for potential employers to search for desired employment candidates.

For at least the aforementioned reasons, the combination of Archbold, Uchino, and Barton is improper and it is respectfully requested that the rejection under 35 U.S.C. §103 be withdrawn.

B. Even if Combined, the References Fail To Disclose or Suggests All Limitations of Any of the Independent Claims

Independent claims 1 and 11 specify criteria used in creating a list of suitable persons ranked according to each person’s suitability and/or availability to perform a transcription job. In particular, the list of suitable persons is created based, at least in part, “on stored personal parameters including the person’s familiarity with prior dictations by the author and/or the person’s familiarity with a specialist field associated with the content of the recorded dictation.” Nowhere does Archbold, Uchino, or Barton disclose or suggest the above quoted limitation.

The Office Action concedes that neither Archbold nor Uchino discloses the above-quoted limitation, but asserts that “features” taught at ¶¶189, 192, and 222 of Barton disclose this limitation of claims 1 and 11 (Office Action, page 5). However, as discussed above in section A, the cited portions of Barton do not relate to creating a list of suitable persons to perform a transcription job based, at least in part, on stored personal parameters including the person’s familiarity with prior

dictations by an author and/or the person's familiarity with a specialist field associated with the content of the recorded dictation. Rather, the cited portions of Barton are directed to aspects of searchable employment candidate database, where each candidate's experience for a job title or job function is calculated based on information in the candidate's record in the candidate database (Barton, [0189], [0192], [0222]). Therefore, because none of the cited references discloses or suggests the above-quoted limitation of claims 1 and 11, each of these claims patentably distinguishes over the purported combination.

Additionally, because Barton has nothing to do with transcriptions or criteria used for selecting people to perform a transcription, Barton fails to cure the noted deficiencies of Archbold and Uchino, namely Archbold's and Uchino's failure to disclose the above-quoted limitation. Accordingly, neither Archbold, Uchino, nor Barton, either considered alone or in combination, discloses or suggests creating a list of suitable persons ranked according to each person's suitability and/or availability to perform the transcription job based, at least in part, on "stored personal parameters including the person's familiarity with prior dictations by the author and/or the person's familiarity with a specialist field associated with the content of the recorded dictation," as recited in claims 1 and 11. Therefore, claims 1 and 11 patentably distinguish over the alleged combination and are in allowable condition.

Claims 3-10 and claims 11 and 13-20 depend from claims 1 and 11, respectively, and each is allowable for at least the same reasons as the independent claim from which it depends.

III. New Claims

Claims 21-23 (including independent claim 21) are newly added to this application. Support for these new claims is found at least at paragraphs [0024] and [0025] of the specification. Each of the newly added claims is believed to distinguish over the cited art of record and is believed to be in allowable condition.

IV. General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, for the sake of brevity, the Assignee believes that it is unnecessary at this

Reply to Final Office Action mailed September 21, 2009

time to argue the further distinguishing features of the dependent claims. However, the Assignee does not necessarily concur with the interpretation of the previously presented dependent claims as set forth in the Office Action, nor does the Assignee concur that the basis for rejection of any of the previously presented dependent claims is proper. Therefore, the Assignee reserves the right to specifically address the further patentability of the dependent claims in the future.

Reply to Final Office Action mailed September 21, 2009

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, the Assignee hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. N0484.70056US00.

Dated: December 21, 2009

Respectfully submitted,
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